FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 9516 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. S.A. Sawant for Petitioner.

Mr. P.M. Shah for Respondents.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 20, 2005

P.C.

. Rule. Heard forthwith.

. The petitioner challenges the order dated 27.10.2004 whereby the petitioner has been asked in proceedings for execution to accept accommodation in Nalasopara. There is no dispute that Nalasopara does not fall within the jurisdiction of Mumbai and is outside territorial jurisdiction. The impugned order is clear that the accommodation must be either in Pune or Mumbai. The learned counsel points out that perusal of Para 14 would indicate that the petitioner has to be given place where the parents reside. The finding in Para 14 is that the parents are residing at Mumbai.

Even otherwise what is to be enforced is the order and not what has been set out in the body of the judgment. The order is clear that the petitioner must be given accommodation either at Pune or Mumbai. Considering that impugned order is set aside. The matter is remanded to the Executing Court to execute the decree in terms of the Judgement which provides that the petitioner must be given place either in Mumbai or Pune.

. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)